

HOUSE No. 4921

Section 269 contained in the engrossed Bill making appropriations for the fiscal year 2005 (see House, No. 4850), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment V of House, No. 4901). June 28, 2004.

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The Commonwealth of Massachusetts

In the Year Two Thousand Four

An Act providing for expenditure for the Uncompensated Care Trust Fund.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith expenditures for the uncompensated care trust fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, during fiscal year 2005 and including the accounts payable period for that fiscal year, the division of medical assistance may expend from the medical assistance intergovernmental transfer account within the Uncompensated Care Trust Fund an amount not less than

\$700,000,000 for a program of MassHealth supplemental payments to certain publicly operated entities providing Title XIX reimbursable services, directly or through contracts with hospitals under an agreement with the division relating to such payments and transfers as established in accordance with Title XIX of the Social Security Act or federal waivers thereof, federal regulations promulgated thereunder, the terms of the waiver under section 1115 of the Social Security Act, state law, and the Medicaid state plan. The growth in membership of such publicly-operated entities' managed care organizations shall increase by not less than 48 per cent in fiscal year 2005. The funds may be expended only for payment obligations arising during fiscal year 2005. Such expenditures shall reduce payments from the Uncompensated Care Trust Fund to such entities by an amount comparable to the net revenues received by such entities under this section. The division of medical assistance shall notify the house and senate committees on ways and means if such expenditures are rendered ineligible for federal reimbursement. Amounts so authorized for said expenditure shall be funded in part through intergovernmental transfers to the commonwealth of municipal or other non-federal public funds. The Boston public health commission and the Cambridge public health commission shall transfer to said medical assistance intergovernmental transfer account an amount equal to 55 per cent of the gross amounts of supplemental payments made by the division of medical assistance under managed care contracts with the commissions. An amount equal to 4.4 per cent of the total amount that the Boston and Cambridge public health commissions transfer to the medical assistance intergovernmental transfer account pursuant to this section shall be transferred from said medical assistance intergovernmental transfer account to revenues available for the

administration of the uncompensated care pool, as established under subsection (d) of section 18 of chapter 118G of the General Laws. An amount equal to 5.3 per cent of the total amount that the Boston and Cambridge public health commissions transfer to the medical assistance intergovernmental transfer account pursuant to this section shall be transferred from said medical assistance intergovernmental transfer account and credited to the Essential Community Provider Expendable Trust Fund, established by section 133 of chapter 140 of the acts of 2003.

SECTION 2. This act shall take effect as of July 1, 2004.